

LABEL, IN PART: "Moon Winks Whole Strawberries [or "Loganberries in syrup," "Boysenberries in syrup," or "Black Raspberries in syrup"]," or "Cortley * * * Red Raspberries * * * Distributed by Cortley Frosted Foods, New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water, or water and sugar, had been substituted in part for fruit; and, Section 402 (b) (4), (raspberries, loganberries, and boysenberries) water had been added to the products so as to increase their bulk and weight.

Misbranding, Section 403 (d), (strawberries) the containers of the product were so filled as to be misleading.

DISPOSITION: May 26 and October 11, 1946. The Peoples National Bank of Washington and Frigid Foods, Inc., Fullerton, Calif., claimants, respectively, for the raspberries and strawberries, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond. The raspberries were to be used for the manufacture of fountain sirups, and the strawberries were to be relabeled under the supervision of the Food and Drug Administration.

On June 6, 1947, a default decree of condemnation was entered with respect to the remaining products, and they were ordered delivered to charitable institutions.

12546. Misbranding of frozen strawberries. U. S. v. Hosier & Co., Ltd. Plea of nolo contendere. Fine of \$50 on count 1; imposition of sentence suspended on count 2; and defendant placed on 12 months' probation. (F. D. C. No. 20967. Sample Nos. 35524-H, 35525-H.)

INFORMATION FILED: January 8, 1947, Eastern District of Arkansas, against Hosier & Co. Ltd., a partnership, Bald Knob, Ark.

ALLEGED SHIPMENT: On or about May 12 and 14, 1946, from the State of Arkansas into the State of Tennessee.

LABEL, IN PART: "Sliced Strawberries with Sugar * * * Net Weight 12 Oz.," or "Polar Brand Frosted Fresh Sliced Strawberries Sugar Added Net Weight 12 Oz. When Packed Packed for S. A. Moffett Co."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The label statements "Net Weight 12 Oz." and "Net Weight 12 Oz. When Packed" were inaccurate, since the containers held less than 12 ounces net of the food.

DISPOSITION: August 14, 1947. A plea of nolo contendere having been entered, the defendant was fined \$50 on count 1; imposition of sentence on count 2 was suspended, and the defendant was placed on probation for a period of 12 months.

12547. Misbranding of frozen strawberries. U. S. v. 499 Cartons * * *. (F. D. C. No. 23748. Sample No. 85004-H.)

LIBEL FILED: September 12, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 18, 1947, by the Growers & Packers Cooperative Canning Co., Inc., from North Collins, N. Y.

PRODUCT: 499 cartons, each containing 36 packages, of frozen strawberries at Pittsburgh, Pa. Examination showed that the packages, on an average, were less than 70 percent filled.

LABEL, IN PART: "Gro-Pak Frozen Fresh Sliced Strawberries Net Weight 12 Ounces."

NATURE OF CHARGE: Misbranding, Section 403 (d), the containers of the article were so filled as to be misleading, since 4 ounces additional of sliced strawberries could have been packed in each container.

DISPOSITION: October 21, 1947. The Growers & Packers Cooperative Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for repacking, under the supervision of the Federal Security Agency.

MISCELLANEOUS FRUIT AND FRUIT PRODUCTS*

12548. Action for criminal contempt for violation of terms of decree entered in the case of the U. S. v. 1,322 Cans of Black Raspberry Puree. U. S. v. Telling-Belle Vernon Co. and Producers Service Corp. Pleas of nolo contendere. Fine of \$500 against each defendant. (F. D. C. No. 18933. Sample No. 14464-H.)

*See also Nos. 12401-12406, 12411, 12469, 12599.

INFORMATION FILED: On or about July 30, 1947, Northern District of Ohio, against the Telling-Belle Vernon Co., a corporation, and the Producers Service Corp.

NATURE OF CHARGE: The defendants willfully and wrongfully disobeyed the provisions of the decree of condemnation entered in the case of the United States v. 1,322 cans of black raspberry puree, reported in notices of judgment on foods, No. 10156, in that (1) the Telling-Belle Vernon Co. disposed of the product by selling and delivering it on or about November 29, 1946, at Cleveland, Ohio, to the Producers Service Corp. for shipment to Benton Harbor, Mich., without the approval of the Food and Drug Administration; and, (2) in that the Producers Service Corp. took possession of the product at Cleveland, Ohio, on or about November 29, 1946, and shipped it to Benton Harbor, Mich., and in December 1946, converted it into fruit juice for use in manufacture of jelly and offered the juice for sale for such purposes.

DISPOSITION: October 28, 1947. Pleas of nolo contendere having been entered, the court fined each defendant \$500. In addition, a supplemental order was entered, providing that the above-mentioned juice be fermented and distilled within 120 days, under the supervision, and subject to the approval, of the Food and Drug Administration, so that it could be brought into compliance with the law. It was ordered further that unless the juice was so fermented and distilled, it was to be destroyed.

12549. Adulteration of strawberry puree. U. S. v. 9 Cans * * *. (F. D. C. No. 21715. Sample No. 39212-H.)

LIBEL FILED: November 15, 1946, Western District of Michigan.

ALLEGED SHIPMENT: On or about October 1, 1946, by the Sunshine Packing Corporation of Pennsylvania, from North East, Pa.

PRODUCT: 9 5-gallon cans of strawberry puree at Ishpeming, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (It contained decomposed strawberry material.)

DISPOSITION: December 20, 1946. Default decree of condemnation and destruction.

12550. Adulteration and misbranding of apricot-cranberry mix. U. S. v. 181 Cases * * *. (F. D. C. No. 23100. Sample No. 91245-H.)

LIBEL FILED: May 5, 1947, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 17, 1947, by Cranberry Cannery, Inc., from Hanson, Mass.

PRODUCT: 181 cases, each containing 24 15-ounce jars, of apricot-cranberry mix at Brooklyn, N. Y. The product was packed in transparent glass jars and had the general appearance of jam.

LABEL, IN PART: "Ocean Spray Apricot-Cranberry Mix Contains: Sugar, Apricots, Cranberries, Water and Added Acid and Color."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting essentially of apricots, cranberries, and sugar, having a soluble solids content of less than 65 percent, and containing artificial color and sulfur dioxide, had been substituted for apricot-cranberry jam.

Misbranding, Section 403 (g) (1), the article purported to be apricot-cranberry jam, a food for which a definition and standard of identity has been promulgated, and it failed to conform to such definition and standard, since the soluble solids content of the article was less than 65 percent and since it contained artificial color and sulfur dioxide, which are not permitted as ingredients of apricot-cranberry jam in the definition and standard.

DISPOSITION: July 2, 1947. H. C. Bohack & Co., Inc., Brooklyn, N. Y., having appeared as claimant, but having failed to file an answer to the libel, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

12551. Adulteration and misbranding of apricot-cranberry mix. U. S. v. 782 Cases * * *. (F. D. C. No. 23131. Sample No. 53879-H.)

LIBEL FILED: May 22, 1947, Southern District of Ohio.